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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Jihoon KANG, *et al.*

Group Art Unit: 3661

Serial No.: 10/634,727

Examiner: J. Louis Jacques

Filed: 05 August 2003

Attorney Docket No.: KIOI:031

For: ENGINE TORQUE CONTROL APPARATUS

COMMISSIONER FOR PATENTS  
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I hereby certify that this paper is being transmitted via facsimile to the United States Patent & Trademark Office, Technology Center 3600, at telephone number 703-872-9306 on:

Date: December 23, 2004By:   
Lyle KimmsAMENDMENT & REQUEST FOR RECONSIDERATION  
WITH CLAIM FEE TRANSMITTAL

Sir:

In reply to the Office Action dated September 23, 2004, this application has been amended as indicated below. This reply is timely, but requires a claim fee.

The present Amendment introduces ONE additional independent claim that requires a fee of \$200. The Commissioner is authorized to charge \$200 (or any additional fees required to maintain the pendency of this application) to Deposit Account No. 18-2056.

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alone an international application filed before November 29, 2000.

Claim 1 now defines that the discharged torque calculating means calculates a friction discharged torque produced by contact frictional force, generated when the primary and secondary pulleys sandwich the belt therebetween. The engine torque control section controls torque of the engine based on the calculated friction discharged torque.

Abe, Mikami, and Ando are not related to controlling a continuously variable transmission that uses a belt to transmit power. Accordingly, these references would not have disclosed or taught calculating a friction discharged torque produced by a belt contact frictional force. Indeed, there simply would not have been any motivation for these references to calculate a friction discharged torque produced by a belt contact frictional force. Therefore, applicants submit that claim 1 and all claims depending therefrom patentably distinguish over the applied references.

Similarly, applicants submit that the applied references would not have taught an engine torque control for a CVT as set forth claims 11 and 12.

### Conclusion

Applicants submit that claims 1-12 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Date: December 23, 2004

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Respectfully submitted,

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